

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LANALSIKOV LOWE,

Defendant.

Case No. 2:14-cr-4-JAD-VCF

ORDER

Before the court is Las Vegas Metropolitan Police Department's Motion to Quash (#196). For the reasons stated below, the Department's Motion is granted.

On August 13, 2014, Defendant Lanalsikov Lowe moved for a Rule 17(b) subpoena, which requests,

Any/all reports, documents, information, and/or data related to an incident on or near Echelon Point Drive, in Las Vegas, Nevada 89148, involving one or more individuals including but not limited to Sandia Moore, for the time period from and including July 03 2013, August of 2013, and/or September of 2013.

The court initially granted Lowe's requests. (*See, e.g.*, Doc. #165) (discussing the subpoena's procedural history. Now, the Las Vegas Metropolitan Police Department moves to quash, arguing that the subpoenas are overly broad because searches related to "Echelon Point Drive, in Las Vegas, Nevada" and Ms. Moore produced over 250 separate events.

On these facts, the court agrees that the subpoena is overbroad. Rule 17(b) subpoenas may only be used to obtain admissible evidence, not as a discovery device. *United States v. Nixon*, 418 U.S. 683, 696 (1974) (citation omitted). The party seeking compliance with a Rule 17(b) subpoena must make a preponderance showing that the materials requested are relevant, specifically identified, admissible, and not otherwise procurable by the exercise of due diligence. *Id.* at 699-700.

1 Because Lowe's subpoena generated over 250 events, he failed to make this showing. A subpoena
2 *duces tecum* is not a license to rummage through the files of the prosecution at will. *United States v. Iozia*,
3 13 F.R.D. 335, 338 (S.D.N.Y. 1952).

4 ACCORDINGLY, and for good cause shown,

5 IT IS ORDERED that Las Vegas Metropolitan Police Department's Motion to Quash (#196) is
6 GRANTED.

7 IT IS SO ORDERED.

8 DATED this 4th day of February, 2015.

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10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
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